

REMARKS

Claims 12 and 20 are pending in the present application. Claims 13 and 21 have been cancelled without disclaimer or prejudice. Claims 12 and 20 have been amended.

Applicant respectfully requests reconsideration of the application in view of the remarks appearing below.

Rejection Under 35 U.S.C. § 112

The Examiner has rejected claims 12, 13, 20 and 21 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner states that there is no support found in the specification for the "function" being "a closed form."

Pursuant to the foregoing amendments made to claims 12 and 20 and the cancellation of claims 13 and 21, Applicants have removed all references to the function being "a closed form." Accordingly, Applicants respectfully submit that claims 12 and 20 are now in condition for allowance.

Rejection Under 35 U.S.C. § 102

The Examiner has rejected claims 12 and 20 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,737,912 to Otsuka and U.S. Patent No. 6,518,814 to Majid et al.

As previously stated by Applicants, Otsuka discloses that the characteristics of the gate insulating film leak current is not linear to voltage and, accordingly, the ratio between the gate insulating film leak current of the transistors is not in proportion to the area ratio thereof. However, neither Otsuka nor Majid et al. teach or suggest a predictive function or "generic equation" to determine the necessary ratio of the gate electrode areas to provide a desired voltage division.

In an effort to advance the prosecution of the above-identified application, claims 12 and 20 have been amended to include the specific equation previously set forth in cancelled dependent claims 13 and 21. In view of the foregoing amendments made to the claims, it is clear that Applicants' claimed invention is novel over the Otsuka and Majid et al. patents and, further, that there is no suggestion in the Otsuka patent, the Majid et al. patent or elsewhere that the inventions described therein could be expanded to cover Applicants' claimed invention.

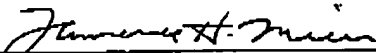
For at least the foregoing reasons, Applicants respectfully request that the Examiner withdraw the present anticipation rejection.

CONCLUSION

In view of the foregoing, Applicants submit that claims 12 and 20 are in condition for allowance. Therefore, prompt issuance of a Notice of Allowance is respectfully solicited. If any issues remain, the Examiner is encouraged to call the undersigned attorney at the number listed below.

Respectfully submitted,

INTERNATIONAL BUSINESS MACHINES
CORPORATION

By: 
Lawrence H. Meier
Registration No.: 31,446
DOWNS RACHLIN MARTIN PLLC
Tel: (802) 863-2375
Attorneys for Applicants

BTV.458782.1